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November 1, 2001

EX PARTE

Magalie Roman Salas
Secretary
Federal Communications Commission
Room TW-A325
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: CC Docket Nos. 96-98; 96-262

Dear Ms. Salas:

On October 31, 2001, Kelsi Reeves of Time Warner Telecom (TWTC), and I, on behalf of TWTC, Cathy Massey of XO Communications (XO), and Jonathan Askin of the Association of Local Telecommunications Services (ALTS) discussed reasons why the FCC's upcoming NPRM on business rules for unbundled network elements should also address the need for business rules for interstate special access with Commissioner Kathleen Abernathy and Jason Scism. We explained that TWTC purchases interstate special access where it cannot efficiently construct its own high-capacity loop and transport facilities. TWTC has been increasingly concerned that ILEC service quality (both for provisioning as well as for repair and maintenance) has been deteriorating. Yet in the absence of uniform business rules and performance benchmarks, TWTC cannot monitor the ILECs' performance in general and, in particular, cannot detect discrimination. We also explained that XO, which would prefer to purchase high-capacity loops, is often forced to purchase special access because high-capacity loops are unavailable. Thus, TWTC, XO, and ALTS believe that the Commission should include proposed national business rules and performance benchmarks for interstate special access in its upcoming UNE NPRM or, alternatively, in a separate NPRM addressing special access.

Pursuant to Section 1.1206(b)(1) of the Commission's rules, 47 C.F.R. § 1.1206(b)(1), an original and one copy of this letter are being provided for inclusion in the public record of the above-referenced proceedings.

Sincerely,

/s/

Thomas Jones

cc: Kathleen Abernathy
Jason Scism